

Remarks

Currently Claims 20-34 and 38-129 are pending.

Applicants acknowledge with appreciation the Examiner's indication that claims 20-33 and 38-114 are allowed, and the withdrawal of the outstanding restriction and election of species requirements.

Claim Amendments

Claims 35-37 are canceled without prejudice and subject to Applicants right to file a continuation directed thereto.

Claims 20, 38, 39, 62, 79 and 96 are amended herein to correct subscripts in the formula for variables m, n, a and b. Claims 39, 62, 79 and 96 are further amended herein to correct inadvertent clerical errors in subscripts in the definition of  $R_4$ . Claims 21-28, 34 and 38 are amended to correct dependency. No new matter is added.

New claims 115-129 are added. New claims 115-116 depend from allowed claim 56 and recite the elements of allowed claims 50-51 respectively. New claims 117-118 depend from allowed claim 76 and recite the elements of allowed claims 70-71 respectively. New claims 119-120 depend from allowed claim 93 and recite the elements of allowed claims 87-88 respectively. New claims 121-125 depend directly or indirectly from claim 34 and recite the elements of allowed claims 50-51 and 114 in the context of a composition claim. New claims 126-129 depend directly or indirectly from claim 34 and recite the elements of allowed claims 52-53 in the context of a composition claim. Accordingly, no new matter is added and the new claims do not raise new issues.

Amendments to the Specification

Applicants have amended the specification to correct inadvertent and obvious clerical errors recently discovered. The paragraph beginning on page 8 is amended to correct the location of the parenthesis ( in the compound name.

Page 71 is amended to add the appropriate bracket [ and parenthesis ( in the chemical names and to correct L(+) to L(-).

The titles of Examples 9 and 10 are amended to correctly recite that the compound names. Support for this amendment can be found in Intermediate 22(a) and 22(b), from which Examples 9 and 10 are synthesized, respectively.

Entry of the foregoing amendments to the specification is respectfully requested.

#### Outstanding Claim Rejections

Claim 34 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting over grandchild patent application serial no. 10/637825. Applicants respectfully decline to file a terminal disclaimer in this case given that application serial no. 10/637825 has not yet received substantive examination. Applicants respectfully submit that the Examiner may allow the instant claim in favor of issuing an obviousness-type double patenting rejection in the '825 application, if deemed appropriate. If such rejection is made in the '825 application, Applicants will file a terminal disclaimer in the '825 application over the instant case (USSN 10/089,964). Applicants respectfully submit that as the instant case was filed first, it is more appropriate for a terminal disclaimer to be filed in the grandchild application. Accordingly, withdrawal of the provisional double patenting rejection is respectfully requested.

It is respectfully submitted that the rejection of claims 35-37 is moot in view of the cancellation of those claims.

#### Information Disclosure Statement

Applicants acknowledge with appreciation the Examiner's diligence in returning the initialed PTO-1449's. Filed concurrently herewith is a supplemental information disclosure statement and PTO-1449. The

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Examiner's consideration of the references identified and return of the initialed PTO-1449 is respectfully requested.

Applicants respectfully submit that the instant application is in condition for allowance, which action is respectfully requested. The Examiner is invited to contact the undersigned at 919 483-8222, to discuss this case, if desired.

Respectfully submitted,



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